

*Capitol at Richmond, 25 May, 1863-*

SENATE BILL.

A BILL

*To amend and re-enact the 1st and 3d sections of an act passed March 29, 1862, entitled an act to suspend sales and legal proceedings in certain cases, and to repeal an ordinance to provide against the sacrifice of property and to suspend proceedings in certain cases, passed on the 30th day of April 1861, by the convention of Virginia.*

1. Be it enacted by the general assembly, That the 1st and 3d sections of an act passed March 29th, 1862, entitled an act to suspend sales and legal proceedings in certain cases, and to repeal an ordinance to provide against the sacrifice of property and to suspend proceedings in certain cases, passed on the 30th day of April 1861, by the convention of Virginia, be amended and re-enacted so as to read as follows :

“§ 1. Be it enacted by the general assembly, That except in cases hereinafter provided, no writ of elegit, fieri facias or venditioni exponas, other than in favor of the commonwealth or against persons not residing in the commonwealth, shall hereafter be issued until otherwise provided by law, nor shall there be any sales under deeds of trust executed prior to the 30th day of April 1861, or de-

7 crees, until otherwise provided by law, except in cases in which the  
8 parties entrusted consent thereto, in cases in which the debtor has  
9 absconded to the public enemy, and in cases in which any of said  
10 parties being incompetent, by reason of infancy or other disability,  
11 to give such consent, a court of competent jurisdiction shall deter-  
12 mine that the interests of the parties would be promoted by such  
13 sale: provided that this section shall not be construed to require  
14 the consent of persons not residing in this state, or of persons who  
15 have absconded to the enemy, as necessary to any such sales: and  
16 provided further, that this section shall not apply to any attach-  
17 ment, or proceedings thereupon, authorized by chapter 151 of the  
18 Code of Virginia, (edition of 1860) except that no order of the  
19 court or justice against a resident garnishee for the payment of  
20 money due to, or the effects of the principal defendant, shall be en-  
21 forced until otherwise provided by law."

"§ 3. Except in prosecutions on behalf of the commonwealth,  
2 actions of detinue, unlawful entry or detainer, actions of ejectment,  
3 and suits wherein attachments shall be sued out under the pro-  
4 visions of chapter 151 of the Code of Virginia, (edition of the  
5 year 1860) in which said prosecutions, actions, suits and attach-  
6 ments, trials may be had as heretofore, there shall be no trial of  
7 any cause requiring the intervention of a jury, nor of warrants  
8 upon small claims before a justice of the peace or other officer, ex-  
9 cept with the consent of the parties thereto: provided, however,  
10 that the court for the probate of a will may, as provided by the

11 said Code of Virginia, order a trial by jury, and that issues may be  
12 ordered by courts of equity and tried, and writs of ad quad dam-  
13 num awarded and executed as now authorized by law."

2. This act shall be in force from its passage.

